

WASHINGTON COUNTY COMMISSION MEETING
MINUTES
JANUARY 5, 2010

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on January 5, 2010, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Deputy County Attorney David L. Patterson, County Administrator Dean Cox, and Deputy County Clerk Christine Hall.

Commissioner Drake was excused due to illness.

The Spectrum was not represented at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment from December 16, 2009, through January 5, 2010
- Consideration of Approval of Regular County Commission Meeting Minutes from December 1, 2009, and December 15, 2009, and Special Meeting Minutes from December 8, 2009
- Consideration of Approval of Personal Property Exemptions for 2009
- Consideration of Application for Property Tax Abatement for Leroy Wolfe, Serial Number SC-ATS-1
- Consideration of Administrative Adjustments / Real Property (attached)

ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION
MEETING / 12-08-09

CONDITIONAL USE PERMIT EXTENSION: Review use permit to expand the Red Butte Substation to support future load growth and to maintain transmission transfer capabilities, within the OSC-20 zone on approximately 17 acres of United States Forest Service land near Central. Rocky Mountain Power /Roger Rigby, applicant.

CONDITIONAL USE PERMIT EXTENSION: Review permit to create pasture grounds, corral, and stabling lease areas for horses and equipment, storage area, and workshop for the Kayenta Development Group, within the OST-20 zone, a portion of Section 36, T41S, R17W, and Section 1, T42, R17W, SLB&M, generally located south of Ivins. Terry Marten, applicant.

PROCEDURES AND RULES OF ORDER: Annual Review of Planning Commission Procedures and Rules of Order, County initiated.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

VOLUNTEER OF THE MONTH / LINDA SAPPINGTON

No presentations were made today.

PRESENTATION ON IRONMAN TRIATHLON / KEVIN LEWIS

Kevin Lewis with the St. George Convention and Visitors' Bureau narrated a PowerPoint presentation concerning the Ironman Triathlon event scheduled for May 1, 2010. St. George has a five (5) year agreement, beginning in 2010, to host this event, and is one of seven (7) cities in the United States to do so. It will be a qualifier for the world championship in Kona, Hawaii.

Two thousand five hundred (2,500) participants are registered, with an entry fee of five hundred and fifty dollars (\$550.00). The triathlon athletes will (1) swim two point four (2.4) miles across the Sand Hollow Reservoir; (2) bicycle for one hundred and twelve (112) miles; and finally (3) run a marathon - twice. Just about every hotel room in the County will be booked for this event, which will produce approximately seven hundred and fifty thousand dollars (\$750,000) in room revenue. Total expected revenue enrichment to the County resulting from this event is approximately eight to ten million dollars (\$8,000,000-10,000,000) for the week. Volunteers are always needed and welcome, as this is an exciting and rewarding event in which to participate.

A copy of Mr. Lewis's PowerPoint slide show is attached to these minutes.

CONSIDERATION OF RESOLUTION NO. R-2010-1408, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FOURTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INSURANCE POOL RELATING TO THE ESTABLISHMENT, FUNDING, AND OPERATION OF UTAH COUNTIES INSURANCE POOL

Chairman Eardley said that the Utah Counties Insurance Pool (UCIP) periodically amends its bylaws and makes other administrative changes, which require the approval of all member counties within the state.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1408, A Resolution Approving And Authorizing The Execution Of A Fourth Amended Interlocal Cooperation Agreement With Other Members Of Utah Counties Insurance Pool Relating To The Establishment, Funding, And Operation Of Utah Counties Insurance Pool. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1409, A RESOLUTION PROPOSING THE ESTABLISHMENT OF THE NORTH CENTRAL FIRE SPECIAL SERVICE DISTRICT

Deputy County Attorney David L. Patterson said that the proposed North Central Fire Special Service District (NCFSSD) would service the unincorporated portions of the County near the city of Enterprise. If the commission approves this resolution proposing the establishment of the NCFSSD, the next step is a public hearing, which will be held on the 17th of February in the Enterprise City Offices for the convenience of those people who will be affected by the services. After the public hearing, a fifteen (15) day protest period begins in which to file a protest, followed by another fifteen (15) day period in which to withdraw the protest. Mr. Patterson said that the process should be complete by early April.

Enterprise Mayor Lee Bracken addressed the audience concerning the resolution and suggested minor language changes to reflect that the SSD would provide ALS rescue service rather than paramedic service. He would also like to see sample documents from other fire special service districts concerning budget issues, the financial impact on the citizens, and a fee structure.

Mr. Patterson said that, by way of background, the City of Enterprise has been providing fire and rescue services to residents of the unincorporated areas of the County; those residents have not been paying for those services. Establishment of the NCFSSD is a way to more equitably distribute this financial burden among all residents who benefit from the services. Commissioner Gardner added that there are other fire districts in the County, in Leeds and New Harmony, for example, that provide services for cities as well as the surrounding unincorporated areas.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1409, A Resolution Proposing The Establishment Of The North Central Fire Special Service District. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1410, A RESOLUTION APPROVING A PUBLIC DEFENDER AGREEMENT BETWEEN MATTHEW MILLER AND WASHINGTON COUNTY TO PROVIDE PUBLIC DEFENSE SERVICES FOR INDIGENT DEFENDANTS IN THE FIFTH JUDICIAL COURT OF WASHINGTON COUNTY FOR THE YEAR 2010

Mr. Patterson said that the original contract between Mr. Miller and Washington County was rewritten to reflect the fact that Mr. Miller has taken over the existing contract of another attorney who did not want to renew his contract. Commissioner Eardley clarified that the County is required by law to provide public defenders for people who are unable to fund their own defense.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1410, A Resolution Approving A Public Defender Agreement Between Matthew Miller And Washington County To Provide Public Defense Services For Indigent Defendants In The Fifth Judicial Court Of Washington County For The Year 2010. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1411, A RESOLUTION APPROVING AN AGREEMENT TO TERMINATE THE LEASE AGREEMENT AND ALL AMENDMENTS THERETO BETWEEN WELLS FARGO SILVER REEF MONUMENT, INC. AND WASHINGTON COUNTY

County Administrator Dean Cox recognized many board members of the Silver Reef Historical Society in attendance. He said that the nature of the agreement with the County is being refined to better maintain the agreements and the historical values that are being preserved in partnership with the Silver Reef Association.

Frank Lojko, chair of that organization, said that on behalf of his board he appreciates the cooperation and assistance of the Commission, Dave Patterson, and Dean Cox in reorganizing the foundation and facilities in Silver Reef. There have been numerous meetings concerning these properties to make the best decision for their preservation through the years, and the Silver Reef Historical Society will continue to meet with the Commission in an ongoing dialogue aimed at preserving the monuments, the museum, etc.

Kayla Koeber, a board member, expressed gratitude to Mr. Patterson and Mr. Cox for their many courtesies and steadfast cooperation.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1411, A Resolution Approving An Agreement To Terminate The Lease Agreement And All Amendments Thereto Between Wells Fargo Silver Reef Monument, Inc. And Washington County. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1412, A RESOLUTION APPROVING A LICENSE AGREEMENT TO INSTALL OR USE COMPUTER SOFTWARE TITLED "ROADSOFT," WHICH WILL BE USED BY THE WASHINGTON COUNTY PUBLIC WORKS DEPARTMENT

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1412, A Resolution Approving A License Agreement To Install Or Use Computer Software Titled "Roadsoft," Which Will Be Used By The Washington County Public Works Department. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1413, A RESOLUTION APPROVING AN AMENDMENT TO THE MASTER AGREEMENT BETWEEN ABBOTT LABORATORIES, INC. AND WASHINGTON COUNTY, DATED NOVEMBER 3, 2005

This is a renewal of an existing agreement with this company to conduct drug testing.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1413, A Resolution Approving An Amendment To The Master Agreement Between Abbott Laboratories, Inc. And Washington County, Dated November 3, 2005. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF REVISION TO WASHINGTON COUNTY SHERIFF'S OFFICE CORRECTIONS DIVISION POLICY MANUAL: CONTINGENCY MANAGEMENT / PRISONER DEATH

**CONSIDERATION OF REVISION TO WASHINGTON COUNTY SHERIFF'S
OFFICE CORRECTIONS DIVISION POLICY MANUAL: SERVICES AND
PROGRAMS/ ACCESS TO RELIGION**

**CONSIDERATION OF REVISION TO WASHINGTON COUNTY SHERIFF'S
OFFICE CORRECTIONS DIVISION POLICY MANUAL: SERVICES AND
PROGRAMS / PRISONER MAIL**

Chairman Eardley suggested considering these three (3) items as a group, since they are all revisions to the Washington County Sheriff's Manual.

Mr. Cox spoke to these three (3) items and made the following comments:

Item Nine (9) details the process and procedure to be followed in the event of a prisoner's death, while in custody. It outlines Agency and Next-of-Kin notification procedures, the process of requesting an external investigation, the disposition of evidence and property. It also requires an After-Incident-Review by appropriate officers and staff.

Item Ten (10) deals with a prisoner's right to the Free Exercise of Religion. Generally speaking, restrictions of the free exercise of religion cannot be unreasonable or violate the Religion and Religious Land Use and Institutionalized Persons Act (RLUIPA). This policy section gives staff the necessary guidance to allow prisoners to congregate or hold individual services, makes reasonable allowances for religious diet and reading material, while maintaining a safe and stable environment for staff and prisoners alike.

Item Eleven (11) is the policy section that deals with a prisoner's right to send and receive personal and legal mail. It defines the reasons for which the delivery of mail may be denied, such as when it contains illegal drugs or contraband, fluids of any kind, or information that incites, advocates, aids, or abets activities such as escape, lock-picking, or threats of bodily harm.

All of these policy revisions have been reviewed and approved by the Sheriff, the County Attorney's Office, and the County Human Resources Department.

MOTION: Motion by Commissioner Gardner to Adopt the Following Revisions to the Washington County Sheriff's Office Corrections Division Policy Manual: (1) Contingency Management/ Prisoner Death; (2) Services And Programs/ Access To Religion; and (3) Services and Programs / Prisoner Mail. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

PUBLIC WORKS OR ROAD BUSINESS

No items were presented today.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request an Executive Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:52 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN